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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,928	09/04/2003	Yoshionori Hotta	Q77295	3645

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EXAMINER

GILLIAM, BARBARA LEE

ART UNIT PAPER NUMBER

1752

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/653,928	<b>Applicant(s)</b> HOTTA, YOSHIONORI	
	<b>Examiner</b> Barbara L. Gilliam	<b>Art Unit</b> 1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/4/2003</u> . | 6) <input type="checkbox"/> Other: _____                                                |

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## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on September 6, 2002. It is noted, however, that applicant has not filed a certified copy of the 2002-261402 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomita et al. (EP 1 219 464 A2).

a. The aluminum support of the lithographic printing plate precursor taught by Tomita et al. anticipates the presently claimed support and method for the production of the support. Specifically, the aluminum support has formed thereon an anodic oxide film, having a pore diameter of 8 to 500 nm, preferably from 10 to 150 nm ([0270]), and a particle layer comprising particles having an average particle diameter of from 8 to 800 nm (claim 8). The particle layer is formed by electrolytic treatment of the aluminum support with an electrolyte containing hydrophilic particles having an average particle diameter of from 8 to 800 nm (claim 11; [0274]-[0276]). As the hydrophilic particles it is preferred to use alone or in combination of two or more  $\text{Al}_2\text{O}_3$ ,

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TiO<sub>2</sub>, SiO<sub>2</sub> and ZrO<sub>2</sub> ([0277]). The particle layer comprising the hydrophilic particles meets the present limitations for the inorganic layer comprising the inorganic particles. According to Tomita et al, the mouths of the micro pores on the anodic oxide film can be easily sealed with leaving void inside ([0278]). The aluminum support provided with the particle layer is preferably subjected to hydrophilization treatment such as with an alkali metal silicate ([0279]-[0281]). This hydrophilization treatment meets the present limitations for the sealing treatment. See also Examples of II-1 to II-16. It is the Examiner's position the ratio of pore diameter of the particle layer to pore diameter of the anodic oxide film is not less than 1.5 as required in the present application. Additionally it is the Examiner's position ratio of silicon concentration of the particle layer to the anodic oxide film is not less than 2.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hotta et al. (EP 1 247 644 A2).

a. The support of the lithographic printing plate precursor taught by Hotta et al. anticipates the presently claimed support and method for the production of said support. Specifically the support of Hotta et al. is preferably an aluminum support ([0038]) that is subjected to a roughening treatment ([0057]-[0084]) and other surface treatments ([0088]-[0105]) to form a hydrophilic anodic oxide film ([0106]-[0139]). The pores of the anodic oxide film are preferably sealed using particles having a mean particle size of 8-800 nm, preferably 10-500 nm, and more preferably 10-150 nm ([0144]). According to Hotta et al., within the range of mean particle size, there is little fear of the particles entering into the micro pores on the hydrophilic film ([0144]). This

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layer of particles meets the present limitations for the inorganic particle layer. As the hydrophilic particles, single or a combination of  $\text{Al}_2\text{O}_3$ ,  $\text{TiO}_2$ ,  $\text{SiO}_2$  and  $\text{ZrO}_2$  is/are preferably used. A silane coupling agent having unsaturated group may be coated for the pore-sealing treatment ([0151]) which meets the present limitations for the sealing treatment. It is the Examiner's position the ratio of pore diameter of the particle layer to pore diameter of the anodic oxide film is not less than 1.5 as required in the present application. Additionally it is the Examiner's position ratio of silicon concentration of the particle layer to the anodic oxide film is not less than 2.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. In US 2003/0148207 A1 & EP 1 279 520 A1, Maemoto et al. teach a lithographic printing plate precursor.

b. US 2003/0031860 A1 is in the same patent family as EP 1 247 644 A2.

c. US 2002/0182538 A1 is in the same patent family as EP 1 219 464 A2.

d. In US 6,468,717 B2, Kita et al. teach a heat-sensitive lithographic printing plate precursor comprising an aluminum support with an anodic oxide film which has been subjected to sealing treatment (abstract).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara L. Gilliam whose telephone number is 571-272-

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1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM - 5:30 PM.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

b. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Barbara L. Gilliam*

Barbara L. Gilliam  
Primary Examiner  
Art Unit 1752

bg  
December 7, 2004